(I.S. No.)

Previous ...

H.J. 265-22 551-5
154 19 9 1-14 (Mung. 4-5)

File No. 150-24

Serial Nos. 1 2

Later reference

Mung. 251-27-1-2

Gen... ...

Serial Nos. 1-2

: February 1925

Civil Suit by Mir Nayaruddin Khan in the Mysore 1st Judge's Court for the possession and management of the Inam Jalpuri Tope and other Lands belonging to Raja Khan's Kabarstan at Mysore

To The Munsif Court 2 in Mysore

No. 1208/9 9-2-25

States that it is unnecessary for the Government to interfere in the dispute between the parties in regard to the management of the Inam etc

G. R S. 11] 1924

GENERAL AND REVENUE SECRETARIAT.

(Inam.)

NOTES.

File No. [illegible]

FILE HEADING.

-Civil Suit filed by Mr Mir Nazamudin Khan in the Mysore Dist. Judge's Court for the possession and management of Jalpuri Tope and other lands belonging to Raja Khan Bahadur Khaleer Khan of Mysore.

From

The Inam Commr.

Letter No. C 636 Dated 29 11 23 Received 2-12 23

Diary No.	Enclos.	Spare Copies.	Serial No.
9878	1 file	-	1

BRIEF ABSTRACT OF LETTER.

Reports that the Public Prosecutor defended the suit as directed in G.O. No. 2516 dt 20.5.23, and submits copies of judgt and decree passed by the Dist. Judge on 26.5.1923 and suggests that on the Dist. Judge's observation that the Inam Depn

NOTES AND ORDERS.

has no jurisdiction over Suit Lands which are Devadaya, the views of the Govt Legal Secretary or some Advocate may if necessary, be obtained whether it is worthwhile for Govt to file [illegible]

NOTES—First Sheet.

Secretariat. File No. 150 of 1922

78

Serial No.

The Inez. Comrs. letter explains the facts of the case.

2. The Public Prosecutor has sent up a Bill for Rs 15/- countersigned by the Dist Judge, my sense, and it is proposed that the amount may be met from the allotment made for the Dist to meet such charges under "Law and Justice"

Submd. for orders.

M 4.12.22. 5/12/22.

I agree

5/12/22.

Rev. Secy 5/12 I do not think Govt should be asked to sanction this expenditure

M 10/12/22.

311/10/12

The Govt sanction has already been accorded in the case (G.O. 25/7/22 Judl. no 3 24/22.) My action may be confirmed

16/12/22

17.12.22.

Inez. F. no. 154-19 containing G.O. dd 25/7/1922 is submitted.

AG 20/12/22 20/12/22.

22.12.22.

603/22-12 2nd Member

NOTE—Contn Sheet

File No. of 19

Serial No.

The D.C. Judge seems to have come to
his order in this case on the assumption
that the orders of the 2nd grounds were passed
under Sec 8 (1) of the Act Rgt. These
sections are not applicable to the case
as at all, as they relate to maintenance
pendente lite [illegible] decree
[illegible] the land in dispute having been
assigned as Devasthanam for the
performance of certain duties — which
will be a maintenance [illegible] the suit
is in substance one for declaration
of the plaintiff's title and recovery of
land; a decree granting relief in terms
of the prayer in the plaint could only
be executed by the Court delivering
possession of the land to the plaintiff
and not by directing the defendants
to perform the duties [illegible] the
land. Once the plaintiff's title is
declared, the defendants will be bound
to perform the duties [illegible]
Devasthanam according to the terms of the
grant [illegible]

It however, as the D.C. Judge has found

NOTL—Contn Sheet

General and Revenue Secretariat.

Jharg. File No. 150. of 1924

D 287
2818

Serial No.

I think there was no objection from the Govt of Bihar & Orissa to the Narasimhachari's carrying out the terms of the Agreement with the Jharia Coal Owners' Association regarding the management of the Jharia Coal Fields as the terms of the Agreement are reasonable, I agree with the Hon'ble Member in charge that steps may be taken with the Association mentioned in the Agreement to manage the Jharia Coal Fields by Mr. Narasimhachari & to request the Govt of Bihar & Orissa to depute Mr. Narasimhachari for the purpose.

If the papers may be sent with a draft letter for favour of the Govt of Bihar & Orissa, if they agree with the above view, a draft may be put up accordingly for submission for approval

Ld Secretary

Submitted.

29/12

29/12

26/12

26/12

29/12

NOTE—Contn Sheet 2

LOCAL AND LEGISLATIVE SECRETARIAT
III
29. DEC 1924
PROTECTION BRANCH

G.R.S. III[21]

Land

Mercy. File No. 150 of 19 24/25.

General and Revenue Secretariat.

Serial No.

I quite agree with the learned members. The action taken by the Sub-Division officer is perfectly justifiable. As the suit will not in any way be a bar for the exercise of jurisdiction over the subject matter of the land, no further action need be taken at present.

Revised with compts

II Gaz

[illegible] laying it once [illegible] for [illegible] as already advised by me.

A Offr. reply to the Mercy. Commr to Enclose as directed above.

Rev-Secy

II Gaz

28. 2.2.25

NOTE—Contn Sheet

G. R. S. III-2

General and Revenue Secretariat.

Mazg. File No. 150 of 1924.

Serial No.	
2	To The Manager Yemmiganur. No. 1208 dt. 9.2.25. State that it is unnecessary for Govt to intervene in the dispute between the pandaraparis the management of the Inam so long as the terms of the Inam grant are not violated & that it will be sufficient to warn the persons that they will be liable to be evicted & the Inam resumed to Govt if the terms of the grant are not fulfilled.

NOTE—Contn. sheet.

No. C634/24-25 3 cases and 3 files

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 28th November 1924.

From

K. Chandy, Esquire., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

29 Nov 1924

1-DEC 1924

K. V. Anantaraman, Esquire., B.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Sir,

With reference to correspondence ending with your letter No.2860/M.F.365-23-5 dated 19th May 1923 regarding the possession of the Jalapuri tope belonging to Baksni Raja Khan's Khaberstan, Mysore, I have the honor to submit herewith copy of letter C.No.296/24-25 dated 13th November 1924 from the Deputy Commissioner Mysore reporting on the result of the suit filed by Mr. Mir Nazarudeen Khan in the District Judge's court at Mysore.

2. The lands are held to be Devadaya and not personal inams and the plea of adverse possession set up by the plaintiff has been found against him. The District Judge has further ordered that Government in the Muzrai Department has no jurisdiction over the suit lands and that the order passed by the Muzrai officer cannot stand as no gross and persistent mis-management or misappropriation or breach of trust is made out.

3. The public Prosecutor is of opinion that though the finding of the District Judge that the religious or charitable institution in the present case is not one dedicated for the benefit of the public or a defined section of the public within the meaning of Sec.8 and that the Muzrai officer had no jurisdiction to make an enquiry" could be argued contra-wise, yet he is of opinion that the matter does not merit further consideration.

The Deputy Commissioner suggests that, if necessary, the views of the Legislative Secretary to Government or the Government Advocate may be obtained as to whether it is worth while for Government to file an appeal in the Chief Court, having regard to the fact that it is on the

the nature of a private dispute between two brothers and that the 1st defendant is sure to have appealed now in which case we may have the benefit of knowing how the Chief Court ultimately decides the debatable points in issue.

I agree with the above views.

4. As regards the remuneration payable to the Public Prosecutor for services rendered, I beg to recommend that the bill for Rs.15/- countersigned by the District Judge, Mysore, may be sanctioned, the charge being met as proposed by the Deputy Commissioner.

5. The entire file of papers is submitted for reference and kind -- return.

I have the honor to be,

Sir,

Your most obedient servant,

K.S.R.

Asst for
Muzrai Commissioner.
(absent on casual leave)

Letter No.C.296/24-25 dated 13th November 1924 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore .

"Referring to the correspondence ending with your letter No.C. 1325/22-23 dated 21st May 1923, regarding the suit instituted in the District Court, Mysore, by Mr. Mir Nazaruddin Khan for the possession and management of the Jalalpuri Tope belonging to Bhakshi Raja Khan's Kabarastan, Mysore, I have the honor to forward herewith a copy of -- decree and judgment passed by the District Court on 26th May 1924, and received with the correspondence ending Mysore Sub Division Officer's letter No.H.C.429/22-23 dated 31st October 1924. The delay caused in intimating the final result of the suit has been explained in the Public Prosecutor's letter No.136/24-25 dated 11-9-1924 to the Sub Division - Officer, Mysore (enclosed in original). The letter also clearly ---- explains the proceedings and decision of the court in the suit. Under the circumstances stated in his letter and in view of the fact that this is more or less a private dispute between the brotners, the Public --- Prosecutor is of opinion that the matter does not merit any further -- consideration by Government. If necessary, the Secretary to Government Legislative Department, or the Government Advocate may be addressed and their views ascertained as to whether it is worth the while for Government to file an appeal in the Chief Court against the District Court's decision. I have no information so ~~as~~ far as to whether the 1st ---- defendant Mahomed Khan has appealed to the Chief Court, as apprehended by the Public Prosecutor.

2. The services of the Public Prosecutor having been engaged to -- defend the above suit in the District Court on behalf of Government as per Government Order No.2516-7/Muz.365-23-2 dated 20th March 1923, he has sent in a bill for Rs.15/- countersigned by the District Judge, towards his legal remuneration for services rendered. In the District Court Judgment, the costs of the case are directed to be borne by the respective parties. The Jalalpuri Tope, though an Inam granted by Government, for the maintenance of the Kabarastan referred to above, is in the management of private parties, and no funds are available at my disposal on its benalf to meet this bill. Sanction may therefore be obtained to the enclosed bill which may be met from the allotment made

for

for the District to meet such charges under "Law

3. The entire file of vernacular records is enclosed."

"C o p y"

Muzrai Commissioner. 28/11/22.

KSR.

G. R.S. VI–G-321 B50—WD 0527

SUBJECT _____

Diary No. of letter replied to _____

Section Muz.
File No. 150-26.
Serial No. 2.

General and Revenue Secretariat
( )
, the 192 .

No. 1208

Date of issue 9th Feb 25

To The one file,
The Muz Comr
in Mysore.

Signed by J. Ramaiya

Sir,

Adverting to Correspondence ending with your letter no. C-634 dt 29th Nov. 1924 reporting on the result of the civil Suit filed by Mr Mir Nazamudin Khan in the Mysore District Judge's Court for the possession and management of Inam Jalpur tope belonging to Raja Khan Khaberstan at Mysore, I am directed to state that the Dist. Judge seems to have based his orders in the case on the assumption that the orders of the Muz. officer

over

was passed under Sections 8 and 9
of the Inz. Regn. These Sections are
not applicable to the case at all
as they relate to non-Inz. inams
while the inam land in question relates
to a Inz. inam.)

The lands in question having been
assigned as Devadaya inam for the
performance of particular Sevas -
which include the maintenance of
a Tope, it was quite open to the
local Inz. Officers to take suitable
notice of the violation of the terms of
the Grant of the inam by removal of
the persons responsible for the manage-
ment of the land, and appoint another
Competent person in his stead. In this view,
Govt consider that the local officers
were quite within their powers in
appointing Mr. Mahomed Khan to the management
of the inam when they found that
the other party (Mir Nazimudin Khan)
had cut down the trees and failed
to maintain the Tope properly, according
to the terms of the inam settlement.

However, as the Dist. Judge has found
that there was no cutting down of
the trees by Mir Nazimudin Khan and
consequently no violation of the terms
of the Inam Settlement by him,
and as it is unnecessary for the Govt

to interfere in the dispute between the parties regarding the management of the inam, so long as the terms of the inam grant are not violated. I am ~~further~~ to state that Govt agree with you that no further action need be taken in the matter, and that it will be sufficient to warn the persons wherever they may be in the possession and management of the inam that they will be liable to be evicted and the Inam ~~to be~~ resumed by Govt if the terms of the grant are not fulfilled—

In the records are returned. I have &c.

Sd/- 2/2

Sd/- 31.1

Dy Rev Secretary

11/1/17

30/1/17

WD 2230—GPB—1,00,000—23 7 20